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OCT -3 2007

ORIGINAL

**BEFORE THE UTAH AIR QUALITY BOARD**

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In Re Approval Order – The Sevier	:	<b>MOTION OF AMICUS CURIAE</b>
Power Company 270 MW Coal Fired	:	<b>NATIONAL PARKS CONSERVATION</b>
Power Plant, Sevier County	:	<b>ASSOCIATION SEEKING LEAVE TO</b>
Project Code: N2529-001	:	<b>FILE SUPPLEMENTAL BRIEF</b>
DAQE-AN2529001-04	:	<b>ADDRESSING IGCC ISSUES</b>

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The National Parks Conservation Association (“NPCA”), by and through its undersigned counsel, hereby moves the Utah Air Quality Board for leave to file a supplemental amicus brief with the Board. In support of the Motion, NPCA respectfully asserts that:

1. NPCA understands that the Utah Air Quality Board (“Board”) granted it leave to file a pre-hearing amicus curiae brief, which was specifically limited to fifteen (15) pages.
2. Consistent with this order, NPCA filed an amicus brief on Friday, September 21, 2007. Not including the signature page and certificate of service, NPCA’s amicus brief was ten and a half (10 ½) pages long.
3. Because the hearings and briefing schedule for this matter have been bifurcated and the briefs from the parties relating to Integrated Gasification Combined Cycle Technology (“IGCC”) are not required to be filed until October 31, 2007, NPCA refrained from addressing any IGCC-related issues in its initial amicus brief. NPCA did this to avoid creating any confusion for the Board or the parties by prematurely briefing legal issues which the parties had not yet had

an opportunity to address.


4. Because NPCA has a strong interest in providing additional input to Board on the critical legal issues involving consideration of the application of IGCC in the context of a BACT determination and has not utilized all of the fifteen (15) pages initially provided to it by the Board, NPCA respectfully moves for leave to file a supplemental amicus brief limited solely to IGCC-related issues which shall not exceed five (5) pages and which shall be filed on the same deadline imposed on the parties for briefing this issue. NPCA seeks leave to file a five (5) page brief instead of four and half (4 ½) pages to account for the space utilized in the initial amicus brief to explain that NPCA still intended to address IGCC issues and desired to reserve the remaining available pages for that purpose.

5. For all the foregoing reasons and for good cause shown, NPCA respectfully requests that the Board grant this motion as requested.

6. A proposed Order granting this Motion is attached hereto for the convenience of the Board.

DATED THIS 3<sup>rd</sup> day of October, 2007.

NATIONAL PARKS CONSERVATION ASSOCIATION

  
KATHRYN COLLARD  
Attorney for Amicus Curiae National Parks  
Conservation Association

### CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of October 2007, I had a true and correct copy of the foregoing motion have been e-mailed to the following:

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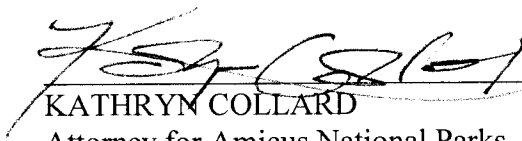
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Project Code: N2529-001	:	<b>TO FILE SUPPLEMENTAL</b>
DAQE-AN2529001-04	:	<b>AMICUS BRIEF</b>

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The above entitled matter came before the Utah Air Quality Board (“Board”) on the motion of National Parks Conservation Association’s (“NPCA”) for leave to file a supplemental amicus brief. The Board, having reviewed NPCA’s motion and any opposition thereto, and good cause appearing, IT IS HEREBY ORDERED that:

1. NPCA’s motion to for leave to file a supplemental amicus brief is granted;
2. NPCA is permitted to file a supplemental amicus brief with the Board on or before October 31, 2007 which shall be limited to issues related to Integrated Gasification Combined Cycle Technology (“IGCC”) and shall not exceed five (5) pages in length.

DATED this \_\_\_\_ day of October, 2007.

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UTAH AIR QUALITY BOARD